

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MAJOR LEAGUE BASEBALL
PROPERTIES, INC. and CHICAGO CUBS
BASEBALL CLUB, LLC,

Plaintiffs,

v.

TOUSSIAINT STEVENS; *et al.*,

Defendants.

Civil Action No. 1:16-cv-09140

**SIXTH DECLARATION OF KEVIN M. READ
IN SUPPORT OF PLAINTIFFS' MOTION
FOR A PRELIMINARY INJUNCTION**

I, Kevin M. Read, state the following:

1. My name is Kevin M. Read. I am over the age of twenty-one and am competent to make this Declaration and the facts stated herein are based on my personal knowledge, observations, and documents maintained under my supervision and control.

2. I am a professional investigator with Edward R. Kirby & Associates, a position I have held for approximately 19 years. Edward R. Kirby & Associates was founded in 1969, is based in Illinois, and provides professional investigation services in a variety of areas, including intellectual property. Since 2006, I have managed over 1000 investigations regarding the manufacturing, wholesale or retail distribution of counterfeit merchandise. As a result of these investigations, more than 250,000 counterfeit items have been seized by State or Federal law enforcement. I have testified in state criminal court numerous times regarding enforcement actions on more than eight occasions I have been qualified as an expert in the identification of counterfeit merchandise. I also have participated in more than fifty trainings by different brands

on how to identify counterfeit product and have also provided training to more the 350 law enforcement officers regarding the distribution of counterfeit merchandise.

3. I have been involved in more than fifty game-day special enforcements where counterfeit product has been seized by law enforcement or voluntarily surrendered to the offices of Edward R. Kirby & Associates.

4. I was retained by Major League Baseball Properties Inc. ("MLBP") and Chicago Cubs Baseball Club LLC ("Cubs") to (a) investigate the sale of infringing and counterfeit merchandise in Chicago, Illinois, including around Wrigley Field, (b) serve Doe Defendants pursuant to this Court's November 3, 2016 order, (c) enforce this Court's November 3, 2016 seizure and impoundment order during the period of November 4, 2016 through November 11, 2016.

5. On Friday November 4, 2016, the City of Chicago, the Cubs, and Cubs fans celebrated the 2016 World Champion Cubs via a parade (the "World Series Parade") that started at Wrigley Field at 11:00 a.m. and weaved its way through Downtown Chicago, ending in Grant Park with a rally at Lower Hutchinson Field. Along with other experienced investigators from Edward R. Kirby & Associate and officers from U.S. Immigration and Customs Enforcement's Homeland Security Investigations, I walked along the Parade route. This Declaration describes what occurred during the World Series Parade.

6. During the World Series Parade, Tyler Benard was advertising, offering for sale, and selling various shirts that featured the Cubs' blue-and-red color scheme in combination with other Cubs or MLBP marks or indicia, or colorable imitations thereof, such as the federally registered W and the federally registered Cubs Cub Bear Face design mark, and the names and likenesses of current Cubs players, including those shown below.



7. During the World Series Parade, Derek Truesdale was advertising, offering for sale, and selling various shirts that featured the Cubs' blue-and-red color scheme in combination with other Cubs or MLB marks or indicia, or colorable imitations thereof, such as the federally registered W mark, including that shown below.



8. During the World Series Parade, Siddiq Abdul Mumin was advertising, offering for sale, and selling various shirts that featured the Cubs' blue-and-red color scheme in combination with other Cubs or MLB marks or indicia, or colorable imitations thereof, such as the federally registered W and the names and likenesses of current Cubs players, including that shown below.



9. During the World Series Parade, Anthony Simmon was advertising, offering for sale, and selling various shirts that featured the Cubs' blue-and-red color scheme in combination

with other Cubs or MLB marks or indicia, or colorable imitations thereof, such as the federally registered W mark, such as that shown below.



10. During the World Series Parade, Ryan Rippetoe was advertising, offering for sale, and selling various pennants that featured the Cubs' blue-and-red color scheme in combination with other Cubs or MLB marks or indicia, or colorable imitations thereof, such as the federally registered W mark and the names and numbers of current Cubs players, including that shown below.



11. During the World Series Parade, Craig Virgil Bay, Jr. was advertising, offering for sale, and selling various shirts that featured the Cubs' blue-and-red color scheme in combination with other Cubs or MLB marks or indicia, or colorable imitations thereof, such as the federally registered W mark, including that shown below.



12. During the World Series Parade, Anthony Dais was advertising, offering for sale, and selling various shirts that featured the Cubs' blue-and-red color scheme in combination with other Cubs or MLB marks or indicia, or colorable imitations thereof, such as the federally

registered W mark, including that shown below.



13. During the World Series Parade, Jason Brison was advertising, offering for sale, and selling various scarves and other items that featured the Cubs' blue-and-red color scheme in combination with other Cubs or MLB marks or indicia, or colorable imitations thereof, such as the federally registered W mark, including that shown below.



14. During the World Series Parade, Pasquale Pedicini was advertising, offering for sale, and selling various shirts, hats, and flags that featured the Cubs' blue-and-red color scheme in combination with other Cubs or MLB marks or indicia, or colorable imitations thereof, such as the federally registered CUBS and WORLD SERIES word marks, and the federally registered Cubs Primary logo, MLB Batter logo, and W mark, including those shown below.



15. During the World Series Parade, Michael LaDale Jackson was advertising, offering for sale, and selling various shirts that featured the Cubs' blue-and-red color scheme in

combination with other Cubs or MLBP marks or indicia, or colorable imitations thereof, such as the federally registered W mark, the FLY THE W mark registered in Illinois, and the likenesses, names, and numbers of current Cubs players, including that shown below.



16. During the World Series Parade, Eddie Irizarry was advertising, offering for sale, and selling various shirts and hats that featured the Cubs' blue-and-red color scheme in combination with other Cubs or MLBP marks or indicia, or colorable imitations thereof, such as the federally registered W mark, including those shown below.



17. During the World Series Parade, Maurice Kelly was advertising, offering for sale, and selling various shirts and hats that featured the Cubs' blue-and-red color scheme in combination with other Cubs or MLBP marks or indicia, or colorable imitations thereof, such as the federally registered W mark, including those shown below.



18. During the World Series Parade, Angelo Lapalomento was advertising, offering for sale, and selling various shirts that featured the Cubs' blue-and-red color scheme in

combination with other Cubs or MLB marks or indicia, or colorable imitations thereof, such as the federally registered WORLD SERIES and WORLD SERIES CHAMPIONS word marks and the federally registered Cubs C and Cub Bear design mark, including that shown below.



19. During the World Series Parade, Johnnie Carr, James Quitoni, James Lathom, Tyreak Rush, William Shearin, Philip Coleman, Edward Robinson, Jamir Branch, Bilal Walk, Vincent Riso, Dwan Pascall, Jibri Bost, Lamarre Johnson, Jalen Hinton, Kenneth Joseph, Charles Simmons Jr., James Cines, Anthony Hopkins, James Wright, Robert Walkers, John King, Tyrese Autrey, Darnell Simmons, Esteban Lopez, Theo Anthony Bishop, Arthur Johnson, Chad Hines, Martin Quattlebaum, Michael Huhn, Troy Brown, Vaughn Waddle, Angel Villoda, Geraldo Camara, and Bernard Thompson were advertising, offering for sale, and selling various merchandise that featured the Cubs' blue-and-red color scheme in combination with other Cubs or MLB marks or indicia, or colorable imitations thereof.

Pursuant to the provisions of 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing statements are true and correct.

Executed on November 10, 2016 by:


Kevin M. Read